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of all Forms of
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic report of States parties due in 1990

Addendum

ECUADOR*

[19 August 1991]

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* For the ninth and tenth periodic reports submitted by the Government of Ecuador and the summary records of the meetings at which such reports were considered, see:

Ninth periodic report - CERD/C/172/Add.4 (CERD/C/SR.868);
Tenth periodic report - CERD/C/172/Add.4 (CERD/C/SR.868).

The annexes, in Spanish, may be consulted in the Secretariat's files.

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I. GENERAL

1. Ecuador has, in various national and international forums, stated that its people and Government categorically reject all types of racial discrimination, and has steadfastly supported any initiative aimed at eliminating discrimination in all its forms.

2. Recognition of the fact that Ecuador is a multi-ethnic and multi-cultural society implies abandonment of the idea that it consists of a single culture.

3. Ecuador has a variety of cultures, each of which contributes in its own particular way to the creation of a national identity. The State has been making efforts to achieve this aim.

4. The 1989-1992 National Development Plan contains a number of objectives, strategies and plans of action aimed at strengthening Ecuador's national identity and ensuring recognition of its multi-ethnic and multi-cultural character.

5. Ecuadorian law includes various provisions aimed at prohibiting racial discrimination while seeking to ensure that human rights and fundamental freedoms are promoted and protected in various spheres of national life.

6. These principles are embodied in Ecuador's Constitution and Penal Code - a subsidiary body of rules which, under Title II, devotes an entire chapter to the treatment of offences connected with racial discrimination.

7. It may also be noted that on 22 September 1966 Ecuador acceded to the International Convention on the Elimination of All Forms of Racial Discrimination.

8. Pursuant to general recommendation IV, approved by the Committee on the Elimination of Racial Discrimination on 16 August 1973, statistics on the demographic composition of Ecuador are set out in Annex 1.

9. In that connection, it should be noted that Ecuador conducts a national population and accommodation census every eight years, the most recent having been carried out in November 1990. The body responsible for performing this task is the National Institute for Statistics and Censuses (INEC).

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

10. The Constitution and Penal Code contain provisions on the prohibition of activities aimed at inciting racial discrimination by groups or organizations that are racist in nature.

11. In more general terms, article 4 of the Constitution states that: "The Ecuadorian State condemns all forms of colonialism and racial discrimination or segregation. It recognizes the right of peoples to free themselves from these oppressive systems."

12. The third unnumbered article in the chapter of the Penal Code relating to offences involving racial discrimination states: "Any organizations or any propaganda or publicity activities which promote or incite racial discrimination are hereby declared illegal and are therefore prohibited in the Republic. Consequently, any person participating in such organizations or activities shall be liable to imprisonment for not less than two months and not more than two years."

13. In addition, among the strategies designed to strengthen Ecuador's national identity and ensure recognition of its multi-ethnic and multi-cultural character, the National Development Plan:

> Guarantees to the indigenous nationalities the material conditions necessary for their continued existence and development, their participation in political life, the revival and strengthening of their culture and their access to a bilingual, intercultural education designed to strengthen the relationship between the country's various cultures.

Specific objectives are:

> To guarantee access to the resources and basic means of production that are necessary for the economic, social, cultural and political development of indigenous nationalities and other segments of the population;
>
> To foster and facilitate the organizational capacities of indigenous nationalities and other segments of the population in the interest of assuring the future of democracy in Ecuador;
>
> To revive - and overcome any remaining discrimination against - popular cultural characteristics that contribute to the achievement of national identity and national unity, while respecting specific cultural, ethnic, social, local and regional features.

14. The main plans of action that will help to enhance the national identity entail:

> Support for strengthening the organization of the indigenous population;
>
> The rehabilitation of black culture;
>
> Support for literacy campaigns and the development of indigenous education;
>
> Delimitation of the territories of the indigenous peoples of the Ecuadorian Amazonian region and north-western Coast;
>
> Support for the integrated management of the territories of the Huaorani, Cofán and Siona-Secoya indigenous communities;
>
> Drafting and implementation of the Plan for the Regulation and Development of the Awá Region.

15. The various proposed plans of action include the delimitation and allocation of the territories of the indigenous communities of the Ecuadorian Amazonian region and the north-western Coast. The Ecuadorian Government has already begun recognizing the title of 70 indigenous communities to land in the Amazonian and Coast areas - a total of 1,196,321.67 hectares, distributed among 3,159 families (see annex 2).

16. Basic information on a number of indigenous communities in Ecuador is presented below.

Quechua

17. The Quechuas account for most of the indigenous population in Ecuadorian Amazonia. They constitute a rapidly developing ethnic group that has spread as far as areas which, in former times, belonged to the Cofánes, Sionas-Secoyas and Huaoranis.

18. The Ecuadorian Institute for Agrarian Reform and Land Settlement (IERAC) has been working to defend their possessions and to recognize title to their lands on the basis of traditional boundaries.

19. In the settlement areas there is a body called the Sucumbíos Federation of Indigenous Organizations (FOISE), which came into being in the wake of Quechua migrations from the province of Pastaza and the higher Napo region to the present province of Sucumbíos.

20. To date, title has been awarded to six communes. It has been proposed that an agreement centralizing the process of land allocation should be signed between FOISE and IERAC.

21. The following Quechua organizations should also be mentioned:

The Federation-Union of Natives of Ecuadorian Amazonia (FCUNAE). This is the Quechua organization of the lower Napo, which has its headquarters in Coca (Puerto Francisco de Orellana). FCUNAE and IERAC signed an agreement to complete the task of fixing the boundaries of the lands belonging to the communities in question and to support the social and organizational development of those communities through training courses and workshops (see annex 3). Under this agreement it should also be possible to award land to all the Quechua communities of the lower Napo by 1992. In the past few years, land has been awarded to 17 FCUNAE communities;

The Napo Indigenous Organizations Federation (FOIN). This is the Quechua organization of the upper Napo. It is based in the town of Tena. To date, title to two communes has been recognized;

The Napo Indigenous Peasant Organizations Front (FOCIN). This is another Quechua organization based in Tena;

The Pastaza Indigenous People's Organization (OPIP). This is a Quechua organization in the province of Pastaza. Its head office is in the town of Puyo. Titles of two communities have been recognized. It is the most developed of the Quechua indigenous organizations.

Cofán

22. The Cofanes live on the banks of the River Aguarico (upper reaches) in the province of Sucumbíos. Their territories are located in the forestry reserves or national parks which are managed by the Sub-Secretariat for Renewable Natural Resources, a part of the Ministry of Agriculture. They are represented by the Association of Cofán Indigenous Communities (ACOINCO).

23. The normal development of their cultural activities has been hampered by the fact that their communes are split up by land settlements. However, a number of non-governmental organizations, such as the Centre for Social Studies (CEDIME) and the Carmelite Mission, are currently engaged in social and organizational work within the community.

24. IERAC has recognized the title of 56 families to 2,378 hectares of the Cofán community of Duvouno. The titles of a further three communes have yet to be recognized, namely, Sinangue, in the higher Aguarico, whose lands are within the Cayambe-Coca ecological reserve; Shaninday in Bermejo; and Sábalo in the lower Aguarico, Cuyabeno.

25. Prior to 1990, IERAC made the following allocations to the Cofanes:

Cofanes of the Duvino: 3,863.80 hectares (allocated in 1978);

Cofanes of the Dureno: 9,571.60 hectares (allocated in 1978).

26. The total land area to which the title of the Cofanes has been recognized is 15,813.40 ha.

Siona and Secoya

27. The Siona and Secoya live along the lower reaches of the River Aguarico in the province of Sucumbíos. They are represented by the Siona-Secoya Organization of Ecuador (OISSE). Title to all their territory (40,391.45 hectares) has been recognized.

28. The main objectives of an agreement concluded between IERAC and OISSE (see annex 4) are:

1. To provide technical assistance in support of the livestock project that is currently under way. As its initial contribution, IERAC assigned a veterinary surgeon to the project;

2. To organize training courses and workshops to promote the community's social and organizational process;

3. Effective use of the financial resources intended for OISSE has been ensured by continuing coordination between IERAC and those responsible for the "San Miguel de Putumayo" Project (PSP) and with the Environmental Protection Unit of Petroecuador.

Huaorani

29. The first allocation of land to the Huaorani people was made in April 1988 (66,570 hectares). Title to a further 612,560 ha was recognized on 3 April 1990, for a total of 679,130 hectares. This is the largest community allocation made to date.

30. IERAC is cooperating with the Organization of the Huaorani Nationality of the Ecuadorian Amazon (ONHAE) on the physical delimitation and defence of its territory and in support of the community's social and organizational process. The Centre for Information on Tropical Forests (RIC) has also been associated with the implementation of these activities.

31. Since the recognition of title which took place in April 1990, IERAC's Indigenous Affairs Officer has been in constant contact with the Huaorani people and a number of national bodies with a view to completing the physical delimitation of Huaorani territory.

32. On 10 and 11 January 1991, a meeting was held in the town of Coca between IERAC, ONHAE, RIC and Petroecuador to formulate a plan of work for the current year. At the meeting it was agreed that:

(a) IERAC would provide topographic equipment for the delimitation of Huaorani territories;

(b) ONHAE would give its full support to the task of establishing boundaries, opening up paths, creating nurseries and sowing local plant species;

(c) RIC would provide advice on the establishment of nurseries and on sowing, as well as human and financial resources to that end; and

(d) IERAC-RIC would support the social and organizational process of the Huaorani people by providing communal premises for ONHAE and training for its members, and by establishing headquarters for the Huaorani organization.

33. The plan of work was based on the following:

1. Physical delimitation of Huaorani territory and a sociological study of adjacent settlements and indigenous communities and their possible influence on the Huaorani people; and

2. Support for the social and organizational process of the Huaoranis.

Shuar and Achuar

34. These communities form the Federation of Shuar-Achuar Centres. They are located both in Amazonia and on the Ecuadorian Coast, and their organizational capacity is superior to that of all the communities previously mentioned.

35. IERAC has undertaken various activities in support of their social and organizational project. An agreement was signed for the establishment of boundaries at their centres (annex 5) and, as indicated below, seven bridges, six kilometres of local access roads to two Shuar centres in Palora and three schoolrooms were constructed:

Local road: 2.5 km - Morona, Palora, Shuar Paquisha Centre;

Local road: 3.5 km - Morona, Palora, Shuar Chupi-Chi Centre;

Schoolrooms: 3 in Morona;

Bridge: (60 m span) - Morona, over the river Tundaime;

Suspension bridge: (40 m span) - Morona, over the river Quimi;

Bridge: (10 m span) - Morona, Chorrera;

Suspension bridge: (82 m span) - Morona, over the river Zamora;

Footbridge: (61 m span) - Morona, over the river Cuyes;

Suspension bridge (covered): (20 m span) - Morona, river Yukutais;

Footbridge: (35 m span) - Morona, river Machinaza.

36. So far, 29 communities have benefited from the agreement on the establishment of boundaries for the Shuar-Achuar centres.

37. The Shuar-Achuar Federation is also implementing a number of agricultural and livestock projects.

Chachi

38. These communities form the Federation of Chachi Centres, and are located in the province of Esmeraldas. IERAC signed an agreement with the Chachi Federation on fixing the boundaries and legalizing all existing communities (annex 6).

39. The Chachi communities share their lands with the communities of Río Santiago and Mono Bravo in Muisne. Support for their social and organizational process has been secured through an agreement signed between IERAC and the Chachi Federation for the construction of five schools, one medical post and two multi-purpose sports grounds (annex 7).

Awá

40. Title to the Awá lands has been recognized in the form of an ethnobiological reserve, 101,000 hectares in area.

41. The Awá are among those who will benefit from the "Tobar Donoso" project being implemented in the north-western part of the province of Carchi. Their development is the responsibility of the Technical Unit of the Awá Plan (UTEPA), which is coordinated by the Ministry of External Relations.

Tsáchila

42. Title to all their land has been recognized, and IERAC is not at present involved in any project with this community.

43. With regard to the country's natural resources, all prospecting, exploration and exploitation is subject to two specific laws, namely, the law on hydrocarbons and the Agrarian Reform Act. These legal instruments contain provisions designed to ensure the rational use of the environment and to preserve the ecological balance through the prevention of environmental damage and the punishment of those responsible for such damage.

44. On 22 April 1990, the Ecuadorian Government adopted Decision No. 04 declaring the 1990s to be the Decade of Ecological Development, and stating: "The economic and social development of the country shall be planned, executed and evaluated according to environmental criteria so as to ensure sustainable development which does not destroy the environment and natural resources. Those responsible for any development project must pay particular attention to its likely impact on the environment".

45. With regard to activities involving hydrocarbons, it should be noted that all contracts between Petroecuador and the oil companies are subject to the relevant laws and regulations. Such contracts contain clauses guaranteeing environmental protection and establishing the responsibility of the companies in the event of environmental damage, thus ensuring respect for the country's flora and fauna and, of course, for the cultural values of the native populations in Ecuadorian Amazonia.

46. Copies of the main projects envisaged under the National Development Plan, in support of the indigenous peoples are attached (annex 8).

Article 3

47. Ecuador has supported all initiatives aimed at condemning racially discriminatory practices on the part of the Government of South Africa. It has also supported requests that the Pretoria regime should continue its dialogue with the leaders of the black community and release political prisoners. Ecuador supports all measures aimed at the complete elimination of the system of racial discrimination.

48. It is to be noted that Ecuador maintains neither diplomatic nor consular relations with South Africa and provides no political, military, economic or other forms of assistance to the Pretoria regime.

Article 4

49. The unnumbered third chapter of Title II of the Ecuadorian Penal Code concerning offences relating to racial discrimination applies the provisions of article 4 (a) and (b) of the Convention in stating :

> Article ... A term of imprisonment of not less than six months and not more than three years shall be imposed on any person who:
>
> 1. Disseminates, by any means whatever, ideas based on racial superiority or racial hatred;
>
> 2. In any way incites racial discrimination;
>
> 3. Commits, or causes to be committed, acts of violence against any race, person or group of persons of any colour or ethnic origin; or
>
> 4. Finances, aids or abets any kind of racist activity.
>
> If the offences described in this article are ordered or committed by public officials or employees, the penalty shall be imprisonment for not less than one year and not more than five years.
>
> Article ... If the acts of violence referred to in paragraph 3 of the preceding article result in bodily injury to any person, the persons committing the said acts shall be liable to imprisonment with forced labour for not less than two years and not more than five years. If such acts result in the death of any person, the persons committing the acts shall be liable to imprisonment with forced labour for not less than 12 years and not more than 16 years.

(The text of the third unnumbered article of this chapter has already been reproduced in connection with article 2, paragraph 1 (d) of the Convention (see para. 12 above)).

> Article ... No national, regional or local public authority or institution may promote or incite racial discrimination. Responsibility for the violation of this prohibition shall devolve upon the above-mentioned authority or the legal representatives or executive body of the institution in question, who shall be liable to imprisonment for not less than six months and not more than three years, together with the loss of political rights for the duration of the sentence.
>
> Article ... Public officials or employees who commit any of the racial discrimination offences specified in this Decree shall be subject to the special regulations set forth in the Constitution in respect of the violation of the guarantees enunciated therein.

Article 5

50. The right to equal treatment before the tribunals (article 5 (a) of the Convention) is guaranteed in the Constitution, article 19 of which states:

"Without prejudice to other rights necessary for the purpose of full moral and material development inherent in the nature of the individual, the State guarantees him:

...

5. Equality before the law. Any discrimination based on race, colour, sex, language, religion, political or any other affiliation, social origin or financial position or birth is prohibited.

...

17. Personal freedom and security. Accordingly:

...

(d) No person may be removed from the jurisdiction of the competent judge or judged by a court of special jurisdiction or special commission set up for the purpose, regardless of the name by which such bodies may be known."

51. Under Ecuadorian law, when cases are brought before the jurisdiction of a court it is for the judges, the higher courts or the Supreme Court to institute legal proceedings immediately upon presentation of charges or a private accusation, at the behest of a prosecutor, or upon their learning by any other means of the commission of an offence.

52. With regard to article 5 (b) of the Convention, it should be noted that paragraph 1 of article 19 of the Constitution refers to: "The inviolability of life and personal integrity ...".

53. With regard to political rights (article 5 (c) of the Convention), the Constitution states the following:

"Article 12: Ecuadorians over 18 years of age are citizens.

...

Article 32: Ecuadorian citizens shall enjoy the right to elect and be elected; to submit draft laws to the National Congress; to be consulted in the cases provided in the Constitution; to supervise the acts of the public authorities and to hold public office or employment, in the conditions determined by the law.

Article 33: Suffrage shall be universal, equal, direct and secret, compulsory for those who can read and write and optional for illiterates. Ecuadorian citizens who have reached the age of 18 and are in possession of their political rights are entitled to vote ...".

54. In application of the above constitutional provisions, the Elections Law specifies the mechanisms and procedures for the conduct of elections on the basis of two basic documents, namely, the identity and citizenship card and the electoral registers. In that connection, articles 5 and 10 of that Law state:

"Article 5: Any Ecuadorian man or woman aged 18 years or over who enjoys the rights of citizenship and who satifies the requirements laid down in the present Law shall be entitled to vote. Eligibility to vote shall be demonstrated by presentation of the identity and citizenship card to the appropriate electoral board."

"Article 10: The Supreme Electoral Court shall prepare the electoral registers using complete data and any necessary reports provided by the Directorate-General of Civil Registry, Identity and Personal Documentation."

55. In preparing the electoral registers, only the names and surnames, dates of birth and addresses of citizens are used.

56. With regard to other civil rights (article 5 (d) of the Convention), the following articles of the Constitution are relevant:

[Under article 19 of the Constitution, the State guarantees:]

"4. The right to freedom of opinion and to expression of thought by any means of social communication, without prejudice to the liability provided for by law."

"6. Freedom of conscience and religion, both individual and collective, in public or in private. Persons may freely practise the religion they profess, subject only to such limitations as are prescribed by the law to protect public safety, public morals or the fundamental rights of others.

"9. The right to travel freely throughout the national territory and to choose their place of residence.

"Ecuadorians shall enjoy the right to enter and leave Ecuador. Foreigners shall be subject to the provisions of the law."

"13. The right of association and of free assembly for peaceful purposes."

"Article 22 (3): Marriage is based on the free consent of the contracting parties and on the equality of rights, obligations and legal capacity of the spouses."

"Article 48: Property, in any of its forms, constitutes a right that is recognized and guaranteed by the State for the organization of its economy and the performance of its social function. This social function should have the result of increasing and redistributing income in such a way as to enable the population as a whole to share the benefits of wealth and development."

57. The following constitutional provisions are of relevance with regard to the economic, social and cultural rights referred to in article 5 (e) of the Convention:

"Article 19: [... the State guarantees:]

"14. The right to a standard of living that provides the necessary health, food, clothing, housing, medical care and social services."

"16. The right to participate in the cultural life of the community."

"Article 29: All Ecuadorians have the right to social security, which includes:

"1. Social insurance, the purpose of which is to protect the insured and his family in cases of sickness, maternity, unemployment, disability, old age and death. It shall be financed by equal contributions from the State, employers and insured persons. Efforts will be made to extend it to cover the entire population ...

"2. Health care for the population of urban and rural areas...

"3. Social welfare, established and regulated by the State, in accordance with the law."

58. With regard to public health, the Ecuadorian Government has made resources available in its efforts to introduce a comprehensive health policy covering all inhabitants, without any discrimination, priority being accorded to those population groups at greatest risk by reason of their social and economic situation and biological vulnerability, especially children and mothers in rural areas and certain urban areas.

59. Health units or establishments provide care for all patients requiring their services. The various hospitals available are as follows:

1 hospital devoted to specialized fields in the Ecuadorian capital;

16 specialized (gynaeco-obstetric, pediatric, psychiatric, dermatological, etc.) hospitals;

22 hospitals located in provincial capitals, covering four basic specialized fields and a number of sub-specialities; and

86 cantonal hospitals, which are smaller in size and located in the cantonal capitals.

In all, there are 125 hospitals with a total of 8,804 beds.

60. In addition, out-patient units are distributed throughout the country as follows:

71 health centres in the main towns;

928 health sub-centres in the main parishes; and

251 health units in more remote areas.

These units provide health care for the rural population, including the indigenous population.

61. Article 31 of the Constitution states that:

> "Work is a social right and a social duty. It enjoys the protection of the State ... and shall be regulated by the following basic principles: ...
>
> (h) The right of workers to join a union and of employers to form an association, as well as its free exercise, without prior authorization, is guaranteed by law."

62. The National Development Plan contains guidelines and specific targets relating, among other things, to the fulfilment of social commitments, particuarly in respect of those segments of society having basic and primary needs that must be satisfied in the areas of health, education and accommodation - in short the fulfilment of the legitimate needs of all segments of the Ecuadorian population who aspire to better living conditions.

63. The allocation of resources to satisfy these basic needs is based on the principle that income should be redistributed among as much of the population as possible, priority being given to persons living in rural areas and certain urban areas.

64. Under article 44 of the Constitution:

> "The State guarantees all individuals subject to its jurisdiction, whether men or women, free and effective exercise and enjoyment of the civil, political, economic, social and cultural rights set forth in the declarations, covenants, conventions and other international instruments in force".

Article 6

65. On the question of effective remedies before competent national tribunals and the right to seek from such tribunals satisfaction or reparation in cases where a person has been the victim of discrimination, the Constitution states that:

> "Article 19 (j): Any person who considers that he has been illegally deprived of his freedom may avail himself of the remedy of habeas corpus, either personally or through another person, without need for a written order, before the Magistrate or President of the Council - or his alternate - under whose jurisdication he finds himself. The municipal authority shall immediately order that the petitioner should be brought before it and that the order for the deprivation of freedom should be produced. Its order shall be obeyed without question or excuse by those in charge of the social rehabilitation centre or place of detention.

"Once informed of the background of the case, the Magistrate or President of the Council shall order the immediate release of the petitioner if the latter was not brought before him, if the order was not produced, if the order failed to satisfy the legal requirements, if there had been a lack of due process or, lastly, if the reasons for the appeal were found to be justified. An official or employee who fails to comply with the order shall be immediately dismissed from his post or employment without more ado by the Magistrate or President of the Council, who shall report the dismissal to the Comptroller's office and to the authority responsible for appointing a replacement.

"After releasing the detainee, the dismissed employee may appeal to the Administrative Court within eight days of receiving notification of his dismissal."

"Article 20: The State and other entities of the public sector shall be required to compensate private individuals for any damage suffered by them as a result of the acts of public services or public officials and civil servants in the course of their duties.

"In such cases, the above-mentioned entities shall have the right to restitution and shall hold accountable those officials or civil servants who, through malice or judicially acknowledged gross negligence, caused the damage. The criminal liability of such officials or civil servants shall be established by the competent judges."

"Article 21: When a sentence has been varied or revoked as a result of an application for judicial review of the facts, the person who has suffered a punishment as a result of that sentence shall be rehabilitated and indemnified by the State in accordance with the law."

66. In addition, article 458 of the Code of Penal Procedure governs the remedy of amparo (enforcement of constitutional rights) in respect of release (also known as the right of habeas corpus):

"Any person who is accused of a violation of the provisions and consequently detained may seek his release by applying to the judge senior to the one who ordered his detention.

"If the application is lodged with either the Supreme Court or a High Court, it shall be investigated by the President of the Court."

"Where the deprivation of freedom was ordered by a Governor, Assistant Governor, Commissioner of Police or political authority, the complaint shall be lodged with any of the criminal judges of the district in question.

"The application shall be submitted in writing.

"Immediately upon receiving the application, the investigating judge shall order the detainee to be brought before him in order to hear his declaration, which shall be entered in a record to be signed by the judge, the secretary and the petitioner, or by a witness on behalf of the petitioner if the latter is unable to sign. In addition to that declaration, the judge shall request all the information he deems necessary in order to form an opinion and ensure the legality of his decision and, within 48 hours, shall deliver his decision in the manner deemed by him to be lawful. His decision shall be entered in the above-mentioned record.

"If the deprivation of freedom is found to have been unlawful, the judge shall order the immediate release of the detainee. The authorities and persons responsible for the custody of the detainee shall obey his order without question.

"A judge who is found to have ordered the unlawful detention of an individual through malicious abuse of process shall be removed from office, to which end the higher judge who investigated the application or complaint to which the present article refers shall immediately advise the appointing authority or corporation of the dismissal which must be effected peremptorily; should the person concerned fail to effect the dismissal he may be charged with contempt of authority.

"A higher judge who makes improper use of the power provided for under this article shall himself be removed from office.

"Dismissal shall also follow for any person responsible for the custody of the detainee who fails to comply with the release order referred to in the fifth paragraph of this article.

"The provisions of the foregoing paragraphs are without prejudice to the criminal liability arising from arbitrary detention."

Article 7

67. The provisions of the Constitution with regard to education, training and culture are as follows:

"Article 27: Education is one of the State's primary responsibilities. State education is secular and free of charge at all levels.

"Private education is guaranteed.

"The right of parents to have their children educated as they see fit is recognized.

"Education in Ecuador shall be inspired by principles of nationality, democracy, social justice, peace and the defence of human rights, and shall be open to all currents of universal thought.

"Education in Ecuador shall have a moral, historic and social sense, and shall stimulate among pupils and students the development of the critical capacity necessary to understand fully the Ecuadorian reality, and to promote an authentic national culture, human solidarity and social and community action.

"The State shall guarantee access to education for all inhabitants without any discrimination.

"Academic freedoms and the freedom to teach are guaranteed.

"Education at the primary level and during the initial grades of the intermediate level is compulsory. When imparted in State establishments, it shall be provided free of charge as a social service.

"In the education systems that develop in areas where the population is predominantly indigenous, the principal language of education shall be either Quechua or that of the culture in question, Spanish being used as the language of intercultural communication.

"The State shall formulate and implement plans to eliminate illiteracy.

"The educational plans shall be directed at the comprehensive development of the individual and society ... "

68. The various strategies included in the National Development Plan with a view to strengthening national identity in this area include the following:

The democratization of cultural policy through participation by all segments of the population in its planning and implementation;

The promotion of creativity in Ecuador's various cultural spheres through support for those engaged in cultural work and respect for their freedom of expression;

The study and extensive dissemination of the country's rich cultural heritage, material and other, to be found at the local, regional and national levels;

Inclusion in the national educational curriculum of subjects and activities that strengthen the country's cultural identity, foster awareness of social solidarity, encourage participation in national development and strengthen democratic awareness;

Inclusion of the cultural dimension in the various aspects of development;

Review and harmonization of existing cultural legislation in such a way as to facilitate the centralization of cultural policy and decentralization of its implementation;

Rationalization and development of cultural education and training;

Dissemination of cultural and academic works produced by Ecuadorian authors.

69. The specific objectives of the Plan are:

To improve and promote Ecuador's cultural output through support for those engaged in cultural activities;

To stimulate research on, training in, and dissemination of Ecuador's cultural heritage in the interest of national development through the formal educational system and a sustained public awareness campaign.

To rationalize the institutional aspects of Ecuadorian culture with a view to optimizing resources and ensuring cultural development.

70. The action plans are as follows:

To support the work of artists;

To include appropriate cultural themes in education;

To record and disseminate cultural expression;

To make the Sub-Secretariat for Culture responsible for artistic and cultural education within the national educational system;

To upgrade and increase the number of public libraries.

71. Action plans to be agreed upon:

Reform of the Law on Culture: The aim of this plan is to include representatives of private sector organizations in the National Council for Culture, so as to ensure that the social protagonists participate extensively in the formulation and implementation of cultural policy. The National Congress, the National Council for Culture, organizations of persons engaged in cultural work and the indigenous nationalities will contribute to this coordination;

Use of media space for the large-scale dissemination of cultural programmes. The social protagonists in this connection are the Secretariat for Social Communication and radio and television organizations.

72. Copies of a number of projects contained in the National Development Plan are attached (annex 9).